

REMARKS

Claims 30 and 32-52 are pending.

The descriptive support for inserting “solid or solid-containing” before “pharmaceutical formulation” in claims 30 and 32-52 can be found in the specification at page 9, line 30 to page 10, line 8, which discloses that the new crystalline forms of risperidone of the invention can be present in common solid or solid-containing dosage forms such as tablets, pills, dragees, sachets, capsules and suspensions containing crystalline risperidone. One skilled in the art would understand that crystalline risperidone is solid and that a pharmaceutical formulation such as a suspension comprising a crystalline risperidone necessarily comprises the crystalline risperidone in a solid form. If all of the crystalline risperidone in the suspension dissolves in a liquid in the suspension, there would no longer be crystalline risperidone in the liquid and then the resulting mixture would no longer be a suspension comprising the crystalline risperidone. Applicants submit that there would be no narrowing of the amended claim recitations because one skilled in the art would understand that, in order for the risperidone to be crystalline in the pharmaceutical formulation, the risperidone must be in solid form and the pharmaceutical formulation necessarily is a solid or solid-containing pharmaceutical formulation.

Claim Rejections -- 35 U.S.C. 102(b)

Applicants respectfully traverse the anticipatory rejection of claims 30 and 32-52 over Kennis (U.S. Patent No. 4,804,663).

Kennis does not disclose the crystalline forms of risperidone contained in the pharmaceutical formulations of claims 30, 32-35, 39, 40, 42-46, 50 and 51, and the crystalline forms of risperidone contained the formulations administered in the methods of claims 36-38, 41, 47-49 and 52. In order for the risperidone to remain as a crystalline form in the pharmaceutical formulation, the crystalline risperidone by definition must be in solid form, which is never disclosed by Kennis. This is the main reason why applicants contend that Kennis does not anticipate the instant claims. In order to advance prosecution, applicants have inserted “solid or

solid-containing” before “pharmaceutical formulation” in the instant claims. Withdrawal of the anticipatory rejection of claims 30 and 32-52 is requested.

Conclusion

Allowance of the present claims is respectfully requested. If there are any minor matters that can be resolved with a telephone interview, the Examiner can reach the undersigned at (202) 220-4223 in order to expedite the prosecution.

In the event that the filing of this Response is deemed not timely, applicants petition for an appropriate extension of time. The petition fee and any other fees that may be required in relation to this Response can be charged to Deposit Account No. 11-0600.

Respectfully submitted,
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